

"The COURT. In 5937, that is the same in each and every verdict of the seven cases. Do you gentlemen want me to read them all?"

"Mr. CELL. I don't think that is at all necessary."

"The COURT. Ladies and gentlemen, is that the verdict of the jury in each and every one of the cases in which you have returned verdicts, 5476, 5935, 5936, 5937, 5938 and 5939, is that the verdict in each and every one of those cases?"

"The FOREMAN. Yes, sir."

"The COURT. Thank you, ladies and gentlemen of the jury. Do you care to have the jury polled?"

"Mr. CELL. No, your Honor."

"The COURT. Record the verdict, Mr. Clerk, in the seven cases before the Court."

The jury returned a verdict in favor of the Government, and on November 29, 1949, judgment of condemnation was entered and the court ordered that the devices and the labeling be delivered to the Food and Drug Administration.

2988. Misbranding of Roll-A-Ray. U. S. v. 228 Cartons * * *. (F. D. C. No. 26076. Sample No. 8621-K.)

LIBEL FILED: November 18, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about February 11, 1948, by the O. A. Sutton Corp., from Wichita, Kans.

PRODUCT: 228 cartons each containing 12 *Roll-A-Ray* devices at New York, N. Y. Examination showed that the device consisted of a brown plastic molded case with handle attached. The case enclosed a light bulb and two rubber rollers placed at either end of the bottom part of the case. The rollers contacted the body for massaging purposes, and the light bulb furnished heat. A plastic grid was fitted over the bulb to protect the body from contact with the lamp.

LABEL, IN PART: "Roll-A-Ray Heat Massage With Infra Red."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since heat and massage are not adequate treatments for the purposes represented: "For Home Reducing and an Aid in the Relief of Discomforts Arising from Rheumatism, Lumbago, Muscular Aches, Physical Aches * * * for Health and Beauty * * * to remove fatty tissues."

DISPOSITION: June 9, 1949. Elcord Products Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond, conditioned that each device be modified by removing the 60-watt bulb contained therein and replacing it with a 30-watt bulb; by placing a foil reflector on the inner portion of the device; by covering, removing, or destroying the labeling of directions and uses contained in the labeling of the device; and by using labeling approved by the Food and Drug Administration, so as to comply with the requirements of the law.

DRUGS FOR VETERINARY USE*

✓ **2989. Misbranding of Calfurdine. U. S. v. 2 Cans, etc. (F. D. C. No. 26384. Sample No. 28671-K.)**

LIBEL FILED: January 7, 1949, District of Utah.

ALLEGED SHIPMENT: On or about July 22 and August 5, 1947, by the Germ-O-Tone Laboratories, from Phoenix, Ariz.

*See also No. 2973.